

search warrants, which entail secret searches of homes and offices with delayed notice.

We must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we upheld our oaths to support the Constitution.

I support H.R. 3199 but I hope as this legislation works its way through Congress, we will include sunsets on the provisions we are reauthorizing, so that Congress will continue to oversee the executive branch's use of these new powers.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today disappointed at the missed opportunity for the House to strike a reasonable balance within the PATRIOT Act that empowers law enforcement and protects civil liberties. There is more to protecting American's security than peeking into people's reading habits or medical records. Protecting America means securing our ports and borders, supporting our first responders, and ensuring that our transit systems, nuclear power plants and schools are safe from those who seek to do us harm. Frankly, Americans are still at risk. There are large gaps that still remain in critical areas that leave Americans vulnerable to the threat of terrorism. For example:

Our greatest threat remains an attack by a weapon of mass destruction. But funding for cooperative threat reduction programs to secure unaccounted for nuclear material in the former Soviet Union have remained stagnant since 9/11, taking a backseat to other priorities like expanding tax cuts and privatizing Social Security.

There are almost 2,000 fewer border inspectors and agents than were called for in the 2001 PATRIOT Act. The hard truth is we need more. Of the 2,000 border patrol agents called for in the Intelligence Reform Act, the Republican majority has funded only 500 this year. This leaves our borders dangerously unprotected.

Funding for first responder programs, our front line defense against terrorists at home, has dropped 27 percent in the past three years, from a high of \$3.3 billion in 2003 to \$2.4 billion in 2006—funds which help our towns and cities hire, train and equip our police, firefighters and medical responders.

While 32 million Americans use public transportation every day, we have spent only \$250 million on transit since 9/11, compared to the \$18.2 billion we've spent on aviation. This leaves our buses, trains, subways, highways and bridges dangerously vulnerable to the kind of attacks we saw in London.

Almost four years after 9/11, only five percent of incoming cargo containers are inspected for hazardous materials. Ninety-five percent of American trade comes through our 361 seaports every year, yet there is no dedicated funding stream for port security. Despite the threat, the President requested no money for port security in FY 2006.

Every day, Americans are asked to empty their pockets, remove their shoes and have

their baggage inspected before boarding an airplane. However, most of the cargo loaded onto passenger and cargo airplanes still goes uninspected.

Protecting America is not a partisan issue, it is a matter of priorities. This version of the PATRIOT Act may be slightly improved over the last one, but let's not take our eye off the ball. There is still much more to be done to protect America. Either we take real action to close our security gaps, or the terrorists will find them and exploit them.

The debate today is not about the key issues that will really protect America. It is not even about the whole PATRIOT Act. It is about the reauthorization of 16 highly controversial provisions of the original PATRIOT Act scheduled to expire at the end of the year.

This sunset was critical to earn support for such sweeping legislation, when in the shadow of the September 11th terrorist attack, the Administration pushed Congress to quickly pass legislation that would provide vast new powers to law enforcement. The sunset provisions would ensure Congress would be able to take a closer look how this authority was implemented and at its effectiveness of balancing security and liberty.

I was hopeful that that an open amendment process would allow the House to address the many concerns of the Members of this House and the American public have with the PATRIOT Act. Unfortunately, the House Majority has chosen to prohibit an open debate and consideration on the most sensitive and controversial issues surrounding this bill. In fact, most of the amendments they have allowed to be considered have very little to do with the provisions that are up for reauthorization. This means some of the most controversial provisions of the bill would become permanent, including Section 213, the "sneak and peek" provision that allows secret searches and seizures. Only two of the most controversial provisions, such as Section 215, the "library provision" that allows access to library and bookstore records, credit card information, medical records and employment histories, would be allowed to be reexamined, but not for another 10 years. Amendments that could have strengthened the protection of privacy and civil liberties that could have made this a better bill were prohibited from even being considered or debated.

The single most alarming part of this bill is that it would remove the protection of sunsets to most of the PATRIOT Act. Oversight, review and debate are all the result of a healthy democracy. We should not be afraid to improve that the PATRIOT Act every two or four years. Revisiting the PATRIOT Act is a good thing. Congressional oversight over one of the most fundamental challenges of our time would not hinder our society but enhance it.

The 9/11 Commission warned, "the terrorists have used our open society against us. In wartime, government calls for greater powers, and then the need for those powers recedes after the war ends. This struggle will go on. Therefore, while protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right." This bill does not keep it right. The American public deserves better, they deserve security and liberty. I stand with Benjamin Franklin who said, "he who would trade liberty for some temporary security, deserves

neither liberty nor security." Congress' record should match its rhetoric. Protecting America from terrorism means inspecting cargo on passenger planes, inspecting cargo in our ports, securing unaccounted nuclear material in the former Soviet Union and providing our first responders with the resources they need to be our first line of defense in the war on terror. Protecting America is about real priorities that can and will protect the homeland, which unfortunately are not part of the bill before us today.

Mr. HOEKSTRA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SWEENEY). All time for general debate has expired.

In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 109-178. That amendment shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005".

SEC. 2. REFERENCES TO USA PATRIOT ACT.

A reference in this Act to the USA PATRIOT ACT shall be deemed a reference to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

SEC. 3. USA PATRIOT ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 224 of the USA PATRIOT ACT is repealed.

(b) SECTIONS 206 AND 215 SUNSET.—Effective December 31, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 105(c)(2) read as they read on October 25, 2001.

SEC. 4. REPEAL OF SUNSET PROVISION RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742) is amended by—

(1) striking subsection (b); and

(2) striking "(a)" and all that follows through "Section" and inserting "Section".

SEC. 5. REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.

Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3762) is amended by striking subsection (g).

SEC. 6. SHARING OF ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION UNDER SECTION 203(B) OF THE USA PATRIOT ACT.

Section 2517(6) of title 18, United States Code, is amended by adding at the end the following: "Within a reasonable time after a disclosure of the contents of a communication under this subsection, an attorney for the Government shall file, under seal, a notice with a judge whose order authorized or approved the interception of that communication, stating the fact that such contents